

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BETTY R. UNDERWOOD)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 1:04-cv-355
)	<i>Edgar / Lee</i>
JO ANNE B. BARNHARDT,)	
Commissioner of Social Security)	
)	
<i>Defendant.</i>)	

MEMORANDUM AND ORDER

Plaintiff Betty R. Underwood brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3). Plaintiff seeks judicial review of the final administrative decision of the Commissioner of Social Security denying her a period of disability, disability insurance benefits, and supplemental security income under Title II and Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, and 1382.

This case was referred to United States Magistrate Judge Susan K. Lee for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge filed her report and recommendation on February 1, 2006. [Court Doc. No. 19]. The parties have not timely filed any objections.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the Magistrate Judge's report and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P 72(b). Accordingly,

the plaintiff's motion for summary judgment [Court Doc. No. 13] is **DENIED**. The defendant's motion for summary judgment [Court Doc. No. 17] is **GRANTED** pursuant to Fed. R. Civ. P. 56. The administrative decision of the Commissioner of Social Security will be **AFFIRMED** and the plaintiff's complaint **DISMISSED WITH PREJUDICE**. A separate judgment will enter.

SO ORDERED.

ENTER this *7th day of March, 2006*.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE